

Montgomery County, Maryland, Code of Ordinances Part II. Local Laws, Ordinances, Resolutions Etc.

Chapter 33 B. Pesticides.

§ 33B-1. Definitions.

In this chapter:

Custom applicator means a person engaged in the business of applying pesticides.

Department means the department of environmental protection.

Director means Director of the Department of Environmental Protection, or the Director's designee.

Lawn means an area of land, except agricultural land, that is:

- (1) Mostly covered by grass, other similar herbaceous plants, shrubs, or trees; and
- (2) Kept trim by mowing or cutting.

Pest means an insect, snail, slug, rodent, nematode, fungus, weed, or other form of plant or animal life or microorganism (except a microorganism on or in a living human or animal) that is normally considered to be a pest or defined as a pest by applicable state regulations.

Pesticide means a substance or mixture of substances intended or used to:

- (1) prevent, destroy, repel, or mitigate any pest;
- (2) be used as a plant regulator, defoliant, or desiccant; or
- (3) be used as a spray adjuvant, such as a wetting agent or adhesive.

However, pesticide does not include an antimicrobial agent, such as a disinfectant, sanitizer, or deodorizer, used for cleaning that is not considered a pesticide under any federal or state law or regulation. (1986 L.M.C., ch. 38, § 1; [2000 L.M.C., ch. 34](#); § 1.)

§ 33B-2. Notice about pesticides to customer.

(a) In this section:

(1) *Customer* means a person who makes a contract with a custom applicator to have the custom applicator apply a pesticide to a lawn.

(2) *New customer* includes a customer who renews a contract with a custom applicator.

(b) A custom applicator must give to a new customer:

(1) Before application, a list of:

- a. The trade name of each pesticide that might be used;
- b. The generic name of each pesticide that might be used; and
- c. Specific customer safety precautions for each pesticide that might be used; and

- (2) After application, a list of:
 - a. The trade name of each pesticide actually used; and
 - b. The generic name of each pesticide actually used; and
- (3) A written notice about pesticides prepared by the department under subsection (c) of this section.
- (c) The department must prepare, keep current, and provide to a custom applicator a written notice about pesticides for the custom applicator to give to a customer under subsection (b) of this section.
- (d) The notice prepared by the department under subsection (c) of this section must include:
 - (1) Government agency phone numbers to call to:
 - a. Make a consumer complaint;
 - b. Receive technical information on pesticides; and
 - c. Get assistance in the case of a medical emergency;
 - (2) A list of general safety precautions a customer should take when a lawn is treated with a pesticide;
 - (3) A statement that a custom applicator must:
 - a. Be licensed by the Maryland Department of Agriculture; and
 - b. Follow safety precautions; and
 - (4) A statement that the customer has the right to require the custom applicator to notify the customer before each treatment of the lawn of the customer with a pesticide. (1986 L.M.C., ch. 38, § 1.)

§ 33B-3. Posting signs after application.

- (a) Immediately after a custom applicator treats a lawn with a pesticide, the custom applicator must post a sign on the lawn.
- (b) A sign posted under this section must:
 - (1) Be clearly visible from the principal place of access to the property;
 - (2) Be a size, form, and color approved by the department;
 - (3) Be made of material approved by the department; and
 - (4) Have wording with content and dimensions approved by the department. (1986 L.M.C., ch. 38, § 1.)

§ 33B-4. Signs with retail purchase of pesticide.

A person who sells at retail a pesticide or material that contains a pesticide must make available to a person who buys the pesticide or material that contains a pesticide:

- (a) Notice signs and supporting information that are approved by the department; and

(b) The product label or other information that the federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq., requires for sale of the pesticide. (1986 L.M.C., ch. 38, § 1.)

§ 33B-5. Storage and handling of pesticides.

Any person who sells at retail a pesticide or material that contains a pesticide must:

- (a) transport, display, and store each pesticide in a secure, properly labeled container that resists breakage and leakage, and promptly clean up and either repackage or properly dispose of any pesticide that escapes from its container;
- (b) display and store each pesticide separately from any food, medicine, or other product that a human being or animal may ingest;
- (c) transport each pesticide separately from any food, medicine, or other product that a human being or animal may ingest unless the pesticide is in a secure container that resists breakage and leakage; and
- (d) offer to each buyer of a pesticide materials approved or distributed by the Department that:
 - (1) explain the dangers of contamination that may occur from pesticide use; and
 - (2) inform buyers of the availability of alternative products.

The Department, the Health and Human Services Department, and any other agency designated by the County Executive, must enforce this Section. ([2000 L.M.C., ch. 34](#), § 1.)

§ 33B-6. Regulations.

- (a) The County Executive must adopt regulations to carry out this Chapter under method (2).
- (b) The Executive must include in the regulations adopted under this section the minimum size or quantity of pesticide subject to section 33B-4. (1986 L.M.C., ch. 38, § 1; [2000 L.M.C., ch. 34](#), § 1.)

Note—Formerly, § 33B-5.

§ 33B-7. Penalty for violating chapter.

- (a) Any violation of this Chapter is a class C violation.
- (b) Each day a violation continues is a separate offense. (1986 L.M.C., ch. 38, § 1; [2000 L.M.C., ch. 34](#), § 1.)

Note—Formerly, § 33B-6.

